

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE SHRI JUSTICE R.SUBHASH REDDY
WRIT PETITION No. 10227 1997

Dated 31st October, 2006

Between:

Vijaya Shrimp Farms and Exports Limited
Road No.2, Banjara Hills, Hyderabad.

... Petitioner

And

Government of Andhra Pradesh,
Environment, Forest, Science & Technology
Department, represented by its Secretary,
Secretariat, Hyderabad and others.

... Respondents.

ORAL ORDER:

In this writ petition, the petitioner, a Public Limited Company, seeks a writ of mandamus to declare the action of the respondents in stopping the hatchery operations of the petitioner by disconnecting the electricity power, as illegal and arbitrary.

It is the case of the petitioner that electricity power was used only for the purpose of drawing water for drinking purposes from the borewell which was in existence in Survey No.833/2 of Srinivasa Satram village, Kota Mandal, Nellore District, and, without even verifying as to whether the ground water was being used for prohibited purpose or not, respondents have taken action to disconnect the power supply pursuant to the instructions issued by the first respondent, which is challenged in this writ petition. This court, at the stage of admission, granted interim direction on 6.5.1997 directing the respondents to restore the power supply to the petitioner's Hatchery situated in Sy.No.833/2 of Sreenivasa Satram village, Kota Mandal, Nellore District enabling the petitioner to carry out the Hatchery operations.

Though the writ petition was filed in the year 1997, no counter-affidavit has yet been filed either by the Government or by the Superintending Engineer, A.P.S.E.B., Nellore District.

It is represented by the learned Standing Counsel for 3rd respondent that instructions were issued by the District Collector and Revenue Divisional Officer and in pursuance of the said instructions, action was taken for disconnection of power supply.

As much as it is stated that the petitioner is not utilizing the water for any prohibited purposes and the petitioner is supplied

power pursuant to the agreement entered into, unless the petitioner is notified the reasons, if any, for disconnection by issuance of a notice, no action can be taken for disconnection of the power supply. In that view of the matter, I dispose of the writ petition directing the respondents to continue the power supply to the petitioner. However, it is made clear that if the petitioner utilizes the power for any prohibitory purposes, or, in violation of the terms and conditions of the supply, it is open for the respondents to issue notice and take appropriate action.

Subject to the above direction, the writ petition is disposed of.
No costs.

31.10.2006

REDDY, J.

R.SUBHASH

VR